

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the label failed to bear an accurate statement of the quantity of the contents since the drained net weight of the product was less than that declared; and, Section 403 (a), the statement "Mushrooms Fancy Buttons," together with a vignette of mushroom buttons on the cans in two of the shipments, and the statement "Fancy Buttons * * * Mushrooms" on the cartons in one of the stated shipments, were false and misleading since the article consisted of mushroom buttons not of fancy quality, because of blemished units, long stems, and (in some instances) variation in the size of the mushroom buttons.

DISPOSITION: March 20, 1947. Pleas of nolo contendere having been entered, the court imposed a fine of \$250 on each of the 4 counts against the corporation and fined the individual \$100, a total fine of \$1,100.

11790. Misbranding of fresh mushrooms. U. S. v. John Accorsi. Plea of guilty. Fine, \$50. (F. D. C. No. 21526. Sample Nos. 5518-H, 5527-H.)

INFORMATION FILED: February 7, 1947, District of Delaware, against John Accorsi, Hockessin, Del.

ALLEGED SHIPMENT: On or about April 17 and May 1, 1946, from the State of Delaware into the States of New York and Pennsylvania.

LABEL, IN PART: "Special Mushrooms 3 Lbs. Net."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents since the baskets of mushrooms bore the statement "3 Lbs. Net," but contained less than 3 pounds net of the product.

DISPOSITION: February 25, 1947. A plea of guilty having been entered, the court imposed a fine of \$50 against the defendant.

11791. Misbranding of fresh mushrooms. U. S. v. Leo Furia. Plea of guilty. Fine, \$250. (F. D. C. No. 21491. Sample No. 5523-H.)

LABEL FILED: December 5, 1946, Eastern District of Pennsylvania, against Leo Furia, Kennett Square, Pa.

ALLEGED SHIPMENT: On or about April 24, 1946, from the State of Pennsylvania into the State of New York.

LABEL, IN PART: (Baskets) "Mushrooms 3 Lbs. Net."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents since the baskets bore the statement "3 Lbs. Net," but contained less than 3 pounds net of the product.

DISPOSITION: February 17, 1947. The defendant having entered a plea of guilty, the court imposed a fine of \$250.

11792. Misbranding of fresh mushrooms. U. S. v. Joseph Teti. Plea of nolo contendere. Fine, \$300. (F. D. C. No. 21507. Sample Nos. 5516-H, 5524-H, 5528-H.)

INFORMATION FILED: January 21, 1947, Eastern District of Pennsylvania, against Joseph Teti, Toughkenamon, Pa.

ALLEGED SHIPMENT: On or about April 16 and 24 and May 1, 1946, from the State of Pennsylvania into the State of New York.

LABEL, IN PART: (Portion) "3 Lb. Net Mushrooms Joseph Teti Special."

NATURE OF CHARGE: Misbranding, Section 402 (e) (2), the article was in package form and failed to bear a label containing an accurate statement of the quantity of the contents since the baskets either bore the statements "3 Lb. Net" and contained less than 3 pounds net, or bore no label containing a statement of the quantity of the contents.

DISPOSITION: March 7, 1947. The defendant having entered a plea of nolo contendere, the court imposed a fine of \$100 on each of the 3 counts.

11793. Adulteration of canned mustard greens and canned turnip greens. U. S. v. 236 Cases * * *. (F. D. C. No. 21328. Sample Nos. 49592-H, 49593-H.)

LABEL FILED: October 15, 1946, Eastern District of Texas.

ALLEGED SHIPMENT: On or about June 29, 1946, by the Hinton Food Products Co., from Rogers, Ark.

PRODUCT: 236 cases, each containing 24 1-pound, 2-ounce cans, of mustard greens and 76 cases, each containing 24 1-pound, 2-ounce cans, of turnip greens at Beaumont, Tex. The mustard greens contained flies and other adult insects, aphids, and decomposed mustard greens, and the turnip greens contained flies, aphids, and thrips.

LABEL, IN PART: "Staff-O-Life Brand Mustard [or "Turnip"] Greens Distributed by Cannery Exchange, Inc. Springfield, Mo."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the mustard greens consisted in whole or in part of a filthy and decomposed substance, and the turnip greens consisted in whole or in part of a filthy substance.

DISPOSITION: November 14, 1946. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

11794. Adulteration of canned field peas. U. S. v. 1,352 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 21246, 21608. Sample Nos. 54632-H, 54643-H, 54655-H.)

LIBELS FILED: October 14 and November 1, 1946, Southern District of Florida.

ALLEGED SHIPMENT: Between the approximate dates of July 22 and September 2, 1946, by the Kent Canning Co., from Gibson, Ga.

PRODUCT: 1,669 cases, each containing 24 1-pound, 3-ounce cans, of field peas at Jacksonville, Fla.

LABEL, IN PART: "Kent's Pride Georgia Field Peas With Snaps."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of larvae.

DISPOSITION: January 17, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution, for use as animal feed.

Nos. 11795 to 11798 report actions involving canned peas that purported to be a food for which a standard of quality has been prescribed by law, but the quality was charged to fall below the standard because of higher alcohol-insoluble solids than the maximum permitted by the standard, and the labels failed to bear, in the manner and form that the regulations specify, a statement that the product was below the standard.

11795. Misbranding of canned peas. U. S. v. 1,138 Cases * * *. (F. D. C. No. 21252. Sample No. 40794-H.)

LIBEL FILED: October 17, 1946, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about July 6, 1946, by the Cobb Canning Co., from Cobb, Wis.

PRODUCT: 1,138 cases, each containing 24 cans, of peas at St. Louis, Mo. The product was shipped in unlabeled cans, but was invoiced as standard canned peas.

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; Section 403 (g) (2), its label failed to bear the name of the food specified in the definition and standard; and, Section 403 (h) (1), the article was below standard.

DISPOSITION: November 19, 1946. The Cobb Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency.

11796. Misbranding of canned peas. U. S. v. 122 Cases * * * (and 2 other seizure actions). (F. D. C. Nos. 21336, 22384, 22471. Sample Nos. 50822-H, 68950-H, 72928-H, 72929-H.)

LIBELS FILED: October 17, 1946, and January 14 and February 10, 1947, Northern District of Iowa, Western District of Kentucky, and Northern District of Illinois.

ALLEGED SHIPMENT: July 19 and August 6 and 10, 1946, by the Krier Preserving Co., from Belgium, Wis.